

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

WILLIAM BOYD, :
: Plaintiff, :
: :
v. : Civil Action No. 07-379-JJF
: :
UNITED STATES GOLF :
ASSOCIATION, :
: :
Defendant. :
:

ORDER

WHEREAS, on May 28, 2008, the Court entered an Order granting Defendant's motion to dismiss this action and affording Plaintiff leave to file an Amended Complaint within thirty days of the date of the Order (D.I. 17);

WHEREAS, the Court's May 28, 2008 Order stated "[i]f an Amended Complaint is not filed within the time allowed, it will be deemed Plaintiff stands on his Complaint and an Order will be entered closing the case;"

WHEREAS, on June 13, 2008, Plaintiff filed a motion (D.I. 18) requesting appointment of counsel and additional time to amend his complaint, stating that he proceeds in forma pauperis and cannot afford counsel;

WHEREAS, indigent civil litigants possess neither a constitutional nor a statutory right to appointed counsel. Parham v. Johnson, 126 F.3d 454, 456-57 (3d Cir. 1997). Nonetheless, district courts have statutory authority to appoint counsel for indigent civil litigants at any time during the

litigation. 28 U.S.C. § 1915(e)(1) (providing that "[t]he court may request an attorney to represent any person unable to afford counsel"); Montgomery v. Pinchak, 294 F.3d 492, 504 (3d Cir. 2002).

WHEREAS, Section 1915(e)(1) affords district courts broad discretion in determining whether appointment of counsel in a civil case is appropriate. Tabron v. Grace, 6 F.3d 147, 153 (3d Cir. 1993). As a threshold matter, the Court must assess whether the claimant's case has some arguable merit in fact and law. Id. at 155.

WHEREAS, as stated by the Court in its May 28, 2008 Order, Plaintiff in his Complaint merely makes blanket assertions of entitlement to relief, and does not provide facts sufficient to enable Defendant to respond to the allegations against it (D.I. 17 at 5);

WHEREAS, the Court finds that Plaintiff's action lacks arguable merit in fact and law, and that appointment of counsel is thus inappropriate;

NOW THEREFORE IT IS HEREBY ORDERED that:

1. Plaintiff's Motion for Appointment of Counsel and Request for Additional Time (D.I. 18) is DENIED;
2. Pursuant to the Court's Order granting Defendant's Motion to Dismiss (D.I. 17) and the expiration of the time allotted Plaintiff to file an Amended Complaint, Civil Action No. 07-379-JJF is CLOSED;

3. Plaintiff's Motion to Add Defendants (D.I. 19) is
DENIED as moot.

July 11, 2008



UNITED STATES DISTRICT JUDGE